

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

DAVID LONGBOAT

**DECISION AND ORDER**  
07-CR-172S

Defendant.

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1. On December 15, 2008, the Defendant entered into a written plea agreement (Docket No. 77) and pled guilty to a Count 1 of the Indictment charging a violation of Title 21, U.S.C. 846 (conspiracy to possess with intent to distribute 500 grams or more of methamphetamine),

2. On December 17, 2008, the Honorable Hugh B. Scott, United States Magistrate Judge, filed a Report and Recommendation (Docket No. 71) recommending that Defendant's plea of guilty be accepted and the Defendant adjudicated guilty.

3. This Court has not received objections to the Report and Recommendation in accordance with 28 U.S.C. §636(b)(1)(C) and Local Rule 58.2(a)(3).

4. This Court has carefully reviewed *de novo* Judge Scott's December 17, 2008, Report and Recommendation, the plea agreement, transcript of the proceeding, and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge Scott's Report and Recommendation, and will accept Judge Scott's recommendation that Defendant's plea of guilty be accepted and that the Defendant be adjudicated guilty as charged.

IT HEREBY IS ORDERED, that this Court accepts Judge Scott's December 17, 2008 Report and Recommendation (Docket No. 71) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that the plea of guilty of Defendant David Longboat is accepted, and he is now adjudged guilty of Title 21, U.S.C. 846.

SO ORDERED.

Dated: January 28, 2009  
Buffalo, New York

/s/WilliamM. Skretny  
WILLIAM M. SKRETNY  
United States District Judge